

EXHIBIT 3

INCIDENT/INVESTIGATION REPORT		Case# 2014-08376							
INCIDENT DATA	Agency Name Muskegon County Sheriff		Date / Time Reported 11/18/2014 13:10 Tue						
	ORI MI 6116100		Last Known Secure 11/18/2014 13:10 Tue						
	Location of Incident 25 W Walton Av, Muskegon MI 49441-		At Found 11/18/2014 13:10 Tue						
	Premise Type Jail/prison	Zone/Tract 1NE							
	<div>#1 Crime Incident(s) (Com)</div> <div>Suicide</div> <div>99001</div>		Activity						
VICTIM	<div>#2 Crime Incident ()</div> <div></div> <div></div>		Activity						
	<div>#3 Crime Incident ()</div> <div></div> <div></div>		Activity						
	<div># of Victims 1 Type: INDIVIDUAL/ NOT LAW Injury:</div>								
	Victim/Business Name (Last, First, Middle) FERGUSON, MARK ERWIN		<div>Victim of Crime # 1</div> <div>DOB 03/21/1962</div> <div>Age 52</div> <div>Race W</div> <div>Sex M</div> <div>Relationship To Offender</div> <div>Resident Status</div> <div>Military Branch/Status</div>						
	Home Address 1405 Airport Rd, Norton Shores MI 49441-		Home Phone 231-670-2735						
OTHERS INVOLVED	Employer Name/Address NOT EMPLOYED		<div>Business Phone 231- -</div> <div>Mobile Phone 231- -</div>						
	VYR	Make	Model						
	Style	Color	Lic/Lis						
	VIN								
	<div>CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)</div> <div>Type: Injury:</div>								
PROPERTY	<div>Code Name (Last, First, Middle)</div> <div></div> <div></div>		<div>Victim of Crime #</div> <div>DOB</div> <div>Age</div> <div>Race</div> <div>Sex</div> <div>Relationship To Offender</div> <div>Resident Status</div> <div>Military Branch/Status</div>						
	Home Address		Home Phone						
	Employer Name/Address		<div>Business Phone</div> <div>Mobile Phone</div>						
	<div>Type: Injury:</div>								
	<div>Code Name (Last, First, Middle)</div> <div></div> <div></div>		<div>Victim of Crime #</div> <div>DOB</div> <div>Age</div> <div>Race</div> <div>Sex</div> <div>Relationship To Offender</div> <div>Resident Status</div> <div>Military Branch/Status</div>						
Home Address		Home Phone							
Employer Name/Address		<div>Business Phone</div> <div>Mobile Phone</div>							
<div>1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown</div> <div>("OJ" = Recovered for Other Jurisdiction)</div>									
PROPERTY	VI #	Code	Status Frm/Tc	Value	OJ	QTY	Property Description	Make/Model	Serial Number
	27	EVID		\$0.00		1	VIDEO		
	27	EVID		\$0.00		1	3 RECORDED INTERVIEWS		
	27	EVID		\$0.00		1	SCENE PHOTOS		
	16	EVID		\$0.00		1	SHEET		
	16	EVID		\$0.00		1	PERSONAL ITEMS		
Officer/ID# SCHULTZ, MATTHEW G (MCSDMGSI)									
Invest ID# (0)							Supervisor CHRISTIANSEN, JAMES M		
Status	Complainant Signature					Case Status Closed		Case Disposition:	
					12/04/2014				Page 1

Incident Report Additional Name List

Muskegon County Sheriff

OCA: 2014-08376

Additional Name List

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NameCode/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	HOLTON, TREVOR TAHON Address: [REDACTED] Empl/Addr Not Employed		[REDACTED]		B	M
			H: 231- -			
			B: 231- -			
			Mobile #: 231- -			
2) WI 2	JOHNSON, GARY LEE Address: [REDACTED] Empl/Addr [REDACTED]		[REDACTED]		W	M
			H: [REDACTED]			
			B: [REDACTED]			
			Mobile #: [REDACTED]			
3) WI 3	MOORE, CHRISTOPHER DARIN-DESHAWN Address: [REDACTED] Empl/Addr Unemployed		[REDACTED]		B	M
			H: [REDACTED]			
			B: - -			
			Mobile #: 231- -			
4) WI 4	ADAMS, CARL QUINTAE Address: [REDACTED] Empl/Addr [REDACTED]		[REDACTED]		B	M
			H: [REDACTED]			
			B: [REDACTED]			
			Mobile #: [REDACTED]			
5) WI 5	BOYLAN, DASHAWN ANDREW Address: [REDACTED] Empl/Addr Not Employed		[REDACTED]		B	M
			H: [REDACTED]			
			B: [REDACTED]			
			Mobile #: [REDACTED]			
6) WI 6	COLLINS, DEMARIO LEVELL Address: [REDACTED] Empl/Addr Unemployed		[REDACTED]		B	M
			H: [REDACTED]			
			B: [REDACTED]			
			Mobile #: [REDACTED]			
7) WI 7	BUTLER, RONALD STEVENS Address: [REDACTED] Empl/Addr Not Employed		[REDACTED]		B	M
			H: [REDACTED]			
			B: 231- -			
			Mobile #: [REDACTED]			
8) WI 8	HOLMAN, MICHAEL DAVID III Address: [REDACTED] Empl/Addr Unemployed		[REDACTED]		W	M
			H: [REDACTED]			
			B: 231- -			
			Mobile #: 231- -			
9) WI 9	MYERS, DONALD GORDON Address: [REDACTED] Empl/Addr Not Employed, Homeless		[REDACTED]		W	M
			H: [REDACTED]			
			B: 231- -			
			Mobile #: 231- -			

Incident Report Additional Name List

Muskegon County Sheriff

OCA: 2014-08376

Additional Name List

Page 3

NameCode/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
10) WI 10	GAMBLE, BOBBY DERRICK		[REDACTED]		B	M
	Address [REDACTED]		H: [REDACTED]			
	Empl/Addr Disability		B: [REDACTED]			
			Mobile #: [REDACTED]			
11) WI 11	RODRIGUEZ, CHRISTIAN		[REDACTED]		W	M
	Address [REDACTED]		H: [REDACTED]			
	Empl/Addr Unemployed		B: [REDACTED]			
			Mobile #: [REDACTED]			

REPORTING OFFICER NARRATIVE

<i>Muskegon County Sheriff</i>		OCA <i>2014-08376</i>
Victim <i>FERGUSON, MARK ERWIN</i>	Offense <i>SUICIDE</i>	Date / Time Reported <i>Tue 11/18/2014 13:10</i>
THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY		

SUMMARY:

I was contacted by D/Lt. Christiansen and asked to respond to the Muskegon County Jail in regards to a suicide. Inmate Mark Ferguson was found hanging in his jail cell.

DATE & TIME:

Incident reported Tuesday November 18th 2014 at approximately 11:45 AM.

VENUE:

Muskegon County, City of Muskegon
Muskegon County Jail 25 W. Walton Ave.
2nd floor west dayroom cell 7

INFORMATION:

Upon arrival we were briefed that inmate Mark Ferguson was found hanging from a bed sheet which had been secured to the bar of the top bunk bed in the cell. We were told Mark's roommate, Trevor Holton, had been out of the cell at a jail visit during the time period in which Mark hung himself. Deputy Hairston found Mark in his cell and immediately rendered aid with the help of inmates. Other Muskegon County personal and Pro Med arrived to the area to assist. The inmates had been since locked down in their cells except Trevor, who had been moved to the receiving area of the jail. The following personal assisted: Deputies Hairston, Ahrens, Reynolds, Smith, Meyers, Wright, LaVigne, Hess, Bush, Sgt. Burton Jones, Sgt. Gilchrest, Nurse Lopez, and Nurse Ashley.

WEST DAYROOM HOUSING INFORMATION:

The west dayroom is a housing unit on the 2nd floor with eleven cells. At the time of this incident twelve inmates were housed in this unit. The room also has a common area with two tables and a shared shower. The cell roster was as follows:

Cell 1 Donald Meyers
Cell 2 Michael Holman
Cell 3 Christian Rodriguez
Cell 4 Christopher Moore
Cell 5 None
Cell 6 Ronald Butler
Cell 7 Mark Ferguson (victim)
Cell 7 Trevor Holton
Cell 8 Gary Johnson
Cell 9 Carl Adams
Cell 10 Bobby Gamble

REPORTING OFFICER NARRATIVE*Muskegon County Sheriff*

OCA

2014-08376

Victim

FERGUSON, MARK ERWIN

Offense

SUICIDE

Date / Time Reported

Tue 11/18/2014 13:10

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Cell 11 Demario Collins
 Cell 11 Dashawn Boylan

ADDITIONAL INFORMATION:

I was advised on this date at this time period only inmates in an even numbered cell were allowed out of their cells. This allowed them to move freely around the common area. The inmates housed in the odd numbered cells were on lockdown which required them to remain in their cell with the door locked.

CONTACT WITH GARY JOHNSON:

Gary is housed in the west dayroom in cell 8. Gary's cell is adjacent to Marks's cell 7 on the east. Gary said Mark's roommate is Trevor. Gary stated he was out of his cell at the time of this incident and Mark's cell was on lock down. Gary reports Ivan retrieved Mark's roommate, Trevor, around 10:30 AM for his visit. Gary stated when Trevor left the door was shut. Gary told me that he saw Mark put a towel over the door window right after Trevor left. Gary indicated it is a common practice for the inmates to put a towel over the door window. Gary stated this is done when using the bathroom or something personal in order to get privacy. Gary said the towel remained over the window as Trevor was gone. Gary said he was at the table in the common area and observed the towel over the window. Gary reports no one entered or exited Mark's room during this time period.

Gary advised me Trevor returned from his visit and went to go back into the cell. Gary stated the towel was still over the window so Trevor did not go into the cell. Gary said he and Trevor remained outside the cells talking. Gary advised me lunch trays arrived and Trevor knocked at the door to alert Mark. Gary told me they got their lunch trays and Mark still didn't come out. Gary said Trevor then alerted the guard they needed another tray for Mark. Gary reports the guard then opened Mark's cell and found him.

Gary told me he did not speak to Mark this morning. Gary said he spoke to Mark last night around 9:30 PM. Gary said Mark seemed fine last night and he was reading the Bible. Gary said Mark did not have any problems with anyone in the cell and was always asking people to pray for him.

CONTACT WITH DESHAWN BOYLAN:

Deshawn is in cell 11 and was on lockdown at the time of this incident. Deshawn's cell is across from Mark's. Deshawn stated he was standing in his cell looking out the window when he saw Trevor leave for his visit. Deshawn reports he then saw Mark look out of his cell window and make a prayer gesture with his hands. Deshawn said Mark then placed a towel over the window. Deshawn advised me Trevor returned from his visit and then trays arrived. Deshawn said Trevor knocked at the door for Mark to get a tray and but did not respond.

Deshawn told me it was not uncommon for Mark to make prayer gestures and ask other inmates to pray for him. Deshawn stated Mark was always praying and seemed in "good spirits" last night. Deshawn advised me Mark had no problems with anyone.

REPORTING OFFICER NARRATIVE

<i>Muskegon County Sheriff</i>		OCA 2014-08376
Victim <i>FERGUSON, MARK ERWIN</i>	Offense <i>SUICIDE</i>	Date / Time Reported <i>Tue 11/18/2014 13:10</i>

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CONTACT WITH BOBBY GAMBLE:

Bobby is in cell 10. Bobby said he awoke this morning around 11:00 AM. Bobby advised he left his cell to get a lunch tray and returned right away. Bobby said he was reading while in his cell and did not notice anything.

CONTACT WITH DEMARIO COLLINS:

Demario is in cell 11. Demario said he was sleeping this morning. Demario said when he woke up he noticed Mark's bunkie talking to Gary. Demario reports they all then got their lunch trays. Demario said he observed Mark's bunkie ask for a tray for Mark. Demario advised they then opened the cell and found Mark. Demario said Mark seemed nice and was always asking everyone to pray for him.

CONTACT WITH RONALD BUTLER:

Ronald is in cell 6. Ronald said he was sleeping all morning. Ronald advised he woke up and got a tray. Ronald reports he returned to his room with his tray and lay back down. Ronald said he heard the commotion outside his cell.

CONTACT WITH CHRISTIAN RODRIGUEZ:

Christian is in cell 3. Christian said he was in his cell sleeping all morning. Christian advised he got up and got a tray. Christian stated he returned to his cell with his tray. Christian said he did not know what was going on.

CONTACT WITH CHRISTOPHER MOORE:

Christopher is in cell 4 and was out of his cell at the time of this incident. Christopher advised me Trevor left for a visit and Mark put the towel up on his door. Christopher stated he was out of his cell and talking with Gary. Christopher said the towel was on the door of Mark's cell the whole time. Christopher reports he did not hear or see from Mark while Trevor was gone. Christopher advised me they thought Mark was going to the bathroom. Christopher reports Trevor returned from his visit and saw the towel still over the window. Christopher advised they began serving lunch trays and Mark did not come out. Christopher said Deputy Hairston opened the door and found Mark. Christopher reports he assisted Deputy Hairston and he thinks Gary with helping Mark. Christopher said he grabbed Mark's waist and tried to hold him up. Christopher reports Mark had been "groggy and down" about being in jail. Christopher told me Mark had been asking people in the cell to pray for him.

CONTACT WITH DONALD MEYERS:

Donald is in cell 1 and was in his cell all morning. Donald said he got his lunch and went back to his room. Donald advised he had no idea what was going on but watched from his window.

Incident Report Related Property List

Muskegon County Sheriff

OCA: 2014-08376

1	Property Description VIDEO			Make		Model		Caliber	
	Color	Serial No.		Value \$0.00		Qty 1.000		Unit	Jurisdiction Locally
	Status Evidence	Date 11/18/2014	NIC #		State #		Local #		OAN
	Name (Last, First, Middle) * No name *				DOB		Age	Race	Sex

Notes

west day room [12/01/2014 11:24, MCSDMGS1, 600, MCSD]

2	Property Description 3 RECORDED INTERVIEWS			Make		Model		Caliber	
	Color	Serial No.		Value \$0.00		Qty 1.000		Unit	Jurisdiction Locally
	Status Evidence	Date 11/18/2014	NIC #		State #		Local #		OAN
	Name (Last, First, Middle) * No name *				DOB		Age	Race	Sex

Notes

cd-r containing interviews of inmates:

- 1. Carl Adams**
- 2. Michael Holman**
- 3. Trevor Holton [12/08/2014 15:18, MCSDLMF2, 550, MCSD]**

3	Property Description SCENE PHOTOS			Make		Model		Caliber	
	Color	Serial No.		Value \$0.00		Qty 1.000		Unit	Jurisdiction Locally
	Status Evidence	Date 11/18/2014	NIC #		State #		Local #		OAN
	Name (Last, First, Middle) * No name *				DOB		Age	Race	Sex

Notes

photos taken by Harris on day of event [12/09/2014 09:29, MCSDBBH1, 369, MCSD]

4	Property Description SHEET			Make		Model		Caliber	
	Color	Serial No.		Value \$0.00		Qty 1.000		Unit	Jurisdiction Locally
	Status Evidence	Date 11/18/2014	NIC #		State #		Local #		OAN
	Name (Last, First, Middle) * No name *				DOB		Age	Race	Sex

Notes

Sheet seized by Harris from bunk in room #7 west day room MCJ [12/09/2014 09:30, MCSDBBH1, 369, MCSD]

Incident Report Related Property List

Muskegon County Sheriff

OCA: 2014-08376

5	Property Description PERSONAL ITEMS			Make		Model		Caliber	
	Color	Serial No.	Value \$0.00		Qty 1.000	Unit	Jurisdiction Locally		
	Status Evidence	Date 11/18/2014	NIC #	State #	Local #		OAN		
	Name (Last, First, Middle) * No name *				DOB		Age	Race	Sex

Notes**Bible****glasses****assorted papers and notes [12/09/2014 09:32, MCSDBBH1, 369, MCSD]**

CASE SUPPLEMENTAL REPORT

Printed: 10/13/2015 12:06

*Muskegon County Sheriff*OCA: **201408376**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLOSED***Case Mng Status:** *NA***Occurred:** *11/18/2014***Offense:** *SUICIDE***Investigator:** *HARRIS, BRIAN B (MCSDBBH1)***Date / Time:** *12/09/2014 10:07:34, Tuesday***Supervisor:** *CHRISTIANSEN, JAMES M ...***Supervisor Review Date / Time:** *12/10/2014 08:41:33, Wednesday***Contact:****Reference:** *Supplement*

11/18/14

ASSIST WITH SUICIDE INVESTIGATION

D/Lt. Christiansen advised me that there had been a suicide at the Muskegon County Jail and he requested I assist in the investigation along with Detectives Schultz and Freres. We responded along with D/Lt. Christiansen from our Oak Street office to the jail at 25 W Walton Ave.

INFORMATION

I spoke with Sgt. Gilchrist upon arrival and he advised that inmate Mark Ferguson had successfully committed suicide upstairs in the second floor west dayroom. Ferguson's body was still in the day room and many of the witnesses were still locked down in their west dayroom cells. Staff had discovered Ferguson with a sheet tied around his neck in his two man cell and staff and inmates were able to untie the sheet and call for assistance according to Sgt. Gilchrist. Staff did CPR until Pro Med personal arrived but they pronounced Ferguson dead at the scene. D/Lt. Christiansen asked Detectives Freres and Schultz to start conducting interviews of the staff and inmates located in the west day room. He asked me to help in any way in addition to gathering any evidence.

INVESTIGATION

Upon arrival to the day room I was met by Deputy Meyers and Deputy Theilbar. They were there to assist in any way needed. I took digital photographs of the day room from numerous angles along with photographs of the inside of room #7 (where incident occurred). I also took photographs of Ferguson and some evidence that was seized. These photographs will be burned to a disc and entered as evidence.

Detectives Freres and Schultz started moving inmates from the dayroom downstairs for interviews.

The west day room has 11 separate cells that contain either one or two bunks in each one. Room #7 has two bunks in it. These rooms are locked down or allowed out on alternating schedules that the jail staff maintains. They share a common day room with a TV and two picnic tables. There are two cameras visible in the day room, one by the entrance door to the dayroom on the northwest corner and one south east corner just outside room #8. I spoke with Sgt. Gilchrist and he advised he would burn a copy of the video and place it in to evidence.

Ferguson's body was on a back board with his head facing west in front of rooms #7 and #8 in the day room common area. Ferguson was covered with a sheet that had a Muskegon County Medical Authority Dead On Scene form laying on top of him. It indicated Dr. Buchanan pronounced Ferguson dead at 12:03. After removing the sheet it should be noted that Ferguson had medical I.V.'s in both arms and a breathing tube in his mouth. He was wearing a one piece blue jail jump suit, a pair of white socks and a white t-shirt. I was advised that a Medical Examiner Investigator was in route so I continued investigating the complaint but avoiding the body until that

Investigator Signature

Supervisor Signature

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investigator arrived.

Room #7 has a door that swings out toward the common area. That door was standing open when I arrived and there was a white jail towel hanging from the window from the inside of the door. The white towel looks to be standard jail issue to the inmates. The window is a narrow strip of glass about 6 inches wide in the center of the steel door. The towel was hung by the top of the window frame and completely covered the window. I later removed the towel and laid it out; there were no deformities of the towel, it was completely intact. The door had scratched words and phrases on the inside of the door although there is no way to tell who made the scratches. There was a saying "our lord in the only true God", the numbers 3:16 and the Ten Commandments were also etched in the painted door.

There are two steel bunk beds secured to the floor and wall. Both beds had mattresses and both had tan blankets on them. The lower bunk had a sheet still covering the mattress and the upper bunk did not. There was a sheet tied around the upper bunk handrail. It was tied in a knot and was hanging down toward the floor but was actually resting on the lower bunk. There was a pair of glasses sitting on the lower bunk as well. There was a large pencil drawing above the mirror that said "God (heart symbols), appearing to mean "God Loves". There were several books on the floor, some soap in pop bottles, a chess set, a calendar and some pictures on the wall and a large tote underneath the lower bunk with books and papers addressed to Trevor Holton (bunk mate). There were a couple pieces of possible torn up sheet that were strung as if they were used to hang items to dry on. There was a towel and face cloth on one string. There was a pair of flip flops on the upper bunk and a blank piece of paper laid out and a crumpled piece of paper. Neither paper had any writings on them.

MEI Todd Rake arrived a short time later to examine the body. Rake pulled out a piece of paper from the left front pocket of Ferguson. It listed numerous Bible verses but nothing else. Rake took his own set of photographs and pointed out some bruising in the neck area. He had Deputy Hairston come up and show him how he discovered Ferguson in his cell. Hairston did say he lifted Ferguson up and he believed Holton and another inmate untied Ferguson and then he called for help and began medical assistance. (See main report for witness statements).

I went through the property of Ferguson and seized a red covered Holy Bible and numerous hand written notes and a letter. There was nothing to indicate he was contemplating suicide located. There were several notes on paper with religious inferences but nothing stood out. There were some hand written order forms for commissary items, some hand written notes pertaining to his case and his legal situation and a copy of the Norton Shores Police report #14-7281. I placed these items in to evidence along with his glasses that were recovered from the lower bunk area and the sheet. This sheet was tied securely to the upper right hand side of the bed rail. It appears to be a standard length sheet that inmates are commonly issued. The sheet was twisted at the lower end and appeared consistent with recently being untied. No bodily fluids were visible on the sheet. The bunk measured 52" from the floor to the top bunk, 17" from the floor to the top of the bottom bunk, 27" deep and 79" across.

Investigator Signature

Supervisor Signature

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*Muskegon County Sheriff*OCA: **201408376**

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I stood by with MEI Rake until his investigation was done and the local removal team was contacted. I stood by until they arrived and removed the body. The Sheriff and Sgt. Gilchrist advised they would handle the family notification and Detectives Freres and Schultz would be documenting their interviews in their own reports.

87251 Det. B Harris

[12/09/2014 10:07, MCSDPAC1, 561, MCSD]

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 10/13/2015 12:06

Muskegon County Sheriff

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On 11-18-14, D/Lt. Christiansen notified me of a death at the Muskegon County Jail. I was provided information that the death was an apparent hanging. Det. Harris and I assisted Det. Matt Schultz in the investigation. We met with Sheriff Roesler and Lt. Burns at the 2 west dayroom. The deceased was identified as inmate Mark Ferguson of cell #7. Ferguson was positioned on the floor just outside of his cell of the 2 west dayroom, covered with a blanket. Det. Harris collected evidence at the scene while Det. Schultz and I conducted interviews with the inmates assigned to the 2 west day room. The interviews were conducted in conference rooms on the main floor of the jail.

INTERVIEW WITH INMATE CARL ADAMS:

The following is a summary of my recorded interview with inmate Carl Adams.

Carl Adams was assigned to cell #9 and has been there for approximately three weeks. Carl knows Mark and said he has been in there about three weeks. Carl described Mark as easy to get along with but felt that he was dealing with some emotional/mental issues. Carl suspected that the issues were probably because of his case (charges). Mark refused to ever talk about his case or charges with any other inmates. Therefore, it was concluded that he was lodged on CSC. Everyone in the dayroom got along with Mark. Mark was known to speak of his faith.

Mark has mentioned his wife visiting him, but Carl did not believe Mark had a visit today. Mark's roommate (Trevor Holton) had a visit around 10:00 am. Carl woke up around 9:00 am this morning when his roommate when out to work release. Carl explained that on this day, odd cell numbers are locked down until lunch. Odd cell numbers are then out from about 11 am until 11 pm. Gary and Ron Butler were in the common area.

According to Carl, it is typical for inmates to cover the window of the cell for privacy while using the bathroom. Carl's cell is across from Mark's and he can see his through the cell window to Mark's cell. On this date, Carl observed Mark look out of the cell then cover his window completely with a towel 5-10 minutes after Trevor left for a visit. A short time later, Deputy Ivan Morris made a round. Carl had a light covered by a cracker box and was told by Deputy Morris to take it off.

Carl was locked down until about 11:20 am when the lunch trays arrived. Carl got his tray and noticed Mark's cell #9 was still closed. Trevor Holton had returned to the dayroom from his visit but never went back to his cell. Shawn from cell #11 told Deputy Hairston that Mark did not get his tray. Carl told Deputy Hairston that Mark did not come out of his cell yet. Deputy Hairston went to Mark's cell and opened the door. Carl was standing near Deputy Hairston when he discovered Mark hanging. Hairston yelled for help. A sheet was tied around Mark's neck and he was hanging from the side of the bunk bed. The sheet was tied around Mark twice and tied to the top bunk bedrail. The sheet was tied in a tight knot on the side of Mark's neck.

Investigator Signature

Supervisor Signature

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NOT SUPERVISOR APPROVED

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Contact:

Reference: *Supplement*

Carl described Mark's position. Mark's legs were out straight and sitting down (not touching the bed). Carl picked Mark up by his waist from behind. Deputy Hairston and Trevor Holton untied Mark and laid him down. Other staff arrived to help. From the time Mark covered the window until he was discovered hanging, nobody else was with Mark in his cell. Mark never threatened suicide to Carl.

Carl explained that jail guard Ivan Morris usually gets on inmates about lights or windows being covered. Carl said Morris walked by Mark's cell and did not check on Mark even though his window was covered. Carl spoke of a prior incident with his past roommate (Ben Jager) attempting to hang himself and nothing being done by the guards.

Carl's statements were not consistent with the surveillance recording regarding Deputy Morris. Deputy Morris did not walk by Mark's cell when the towel was covering the cell window.

INTERVIEW WITH INMATE MICHAEL HOLMAN:

The following is a summary of my recorded interview with Michael Holman.

Michael has been in the MCJ for about 3 ½ months. Michael is currently assigned to cell #2 in the 2 west dayroom. The cell is a single man cell near the guard's office. Michael said Mark has been there for about two weeks and seemed to be a pretty decent person. Michael did not see any depression with Mark, but he did keep to himself. Mark would normally be reading his bible in his cell or walking laps in the common area. He just spoke with Mark yesterday and he seemed fine. Mark got along okay with everyone and was always helping them out. Mark was taken advantage of, but nobody was really mean to him. Mark was likely closet with his roommate (Trevor Holton). Mark and Trevor always spoke of their faith to one another. Mark never spoke of his charges other than saying his attorney told him not to discuss it. Trevor and Michael assumed Mark was charged with CSC because he did not talk about it. They did not know details of the charge though.

Michael explained to me that even numbered cells were able to be out of their cells in the morning (0500 hrs - 1130 hrs) on this date and odd cells would be out in the evening (1130hrs - 2300 hrs). At about 0700 hrs, a deputy comes in and calls out the schedule of visits and court for today. Michael remembered hearing that Trevor had a 10:30 visit and he had a 3:00 visit. Others had visits, but Mark's name was not called for one.

Michael woke up around the time Trevor Holton was called down for his visit (around 10:30 hrs), but stayed in bed. He got out of bed when trays were served (11:30 hrs). Michael grabbed his tray and returned to his cell. Nothing was going on at this point. Michael did not look at Mark's cell, so he did not notice the window covered. Michael began eating in his cell and was locked down. Michael heard commotion when he was eating and through his cell window saw several deputies arrive. Michael then saw medial arrive and pull Mark out of the cell. Mark appeared deceased. CPR was conducted on Mark for a while.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 10/13/2015 12:06

*NOT SUPERVISOR APPROVED**Muskegon County Sheriff*OCA: **201408376**

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Case Status: *CLOSED***Case Mng Status:** *NA***Occurred:** *11/18/2014***Offense:** *SUICIDE***Investigator:** *FRERES, LISA M (MCSDLMF2)***Date / Time:** *12/09/2014 10:25:26, Tuesday***Supervisor:** *(0)***Supervisor Review Date / Time:** *NOT REVIEWED***Contact:****Reference:** *Supplement*

Michael said it is common for inmates to cover their cell windows for privacy when using the bathroom. Michael has seen tissue and towels used to cover windows. The jail guards sometimes have them take the coverings down. If it was something real quick, then it usually was not a problem. Michael has seen a towel cover the window of Mark's cell quite a few times. Mark and Trevor both used the towel to cover the window while using the toilet.

INTERVIEW WITH INMATE TREVOR HOLTON:

The following is a recorded interview with Trevor Holton.

Trevor was assigned to cell #7 in the 2nd floor west dayroom. Trevor's roommate was victim Mark Ferguson. Trevor has been in MCJ since 12-11-13. Mark's been in the cell with Trevor for a couple weeks. Trevor indicated that they get along and mainly discuss the bible or every day conversation. Mark and Trevor would often pray for one another. Mark did not discuss his home life or case with Trevor. Mark did not disclose his charge to Trevor. Mark said that his lawyer told him not to discuss it with anyone. Trevor was not concerned about Mark's charge and God would judge him. Mark was not involved in any disputes with any other inmate.

This morning, Trevor told Mark that he was going to pray for him and that he was going to a visit. Based on last name, Mark and Trevor's visits would be scheduled for Tuesdays. On this date, Trevor's visit was at 10:30 am. Mark did not have a visit scheduled this week. Last week, Mark went down for a visit but nobody showed. Mark was down about the no show last week. Trevor talked to Mark about keeping his head up. Today, the deputy came in about 7:00 am and announced the visits for the day. He woke up to listen for a minute then they went back to sleep. Mark and Trevor woke up about 10:00 am and Trevor got ready for his visit. Mark is on the top bunk. Trevor believes he left the cell about 10:27 am for his visit. Mark was still lying in bed and had rolled over and sighed. Trevor spoke with him quickly. Mark said he had been awake awhile and just thinking. Trevor told him they would talk when he got back.

Trevor was brought back to the dayroom by Deputy Morris at lunch time, around 11:30 am. Trevor believes that Deputy Hairston was handling the trays at that time. When Trevor returned, the trays were being served at west max. This meant that their trays would be next. Deputy Morris popped Trevor's cell door for him. When the door popped open, Trevor noticed the towel up on the window of the cell. Trevor did not go in the cell and hit the door, telling Mark that they were about to serve "chow." Trevor thought Mark was using the toilet. Mark did not answer Trevor, but he thought he heard a toilet flush and figured Mark was finishing up.

While Trevor waited for lunch, he spoke with two other inmates who were sitting at the table in the common. The doors opened for trays and Trevor lined up to get his food. Trevor told the guard (Deputy Hairston) that his roommate did not get his tray. Deputy Hairston went to the cell. Trevor told him that he thought he was using the bathroom. They knocked and did not get an answer. Deputy Hairston opened the door and Mark was found

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CASE SUPPLEMENTAL REPORT
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Case Status: *CLOSED*Case Mng Status: *NA*Occurred: *11/18/2014*Offense: *SUICIDE*Investigator: *FRERES, LISA M (MCSDLMF2)*Date / Time: *12/09/2014 10:25:26, Tuesday*Supervisor: *(0)*Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supplement*

hanging. Mark's feet were out straight and he was hanging forward. Mark had a sheet, towel, or shirt wrapped around his neck and tied to the top bedrail. The material was wrapped around his neck twice and tied in a knot on the left side of Mark's neck. Trevor said the knot was tied so tight he had to yank on it to loosen it. Deputy Hairston held Mark up. Another inmate (Carl) came in and helped lift Mark until more help arrived. Trevor felt a faint pulse on Mark's neck and wrist. After Trevor got Mark untied, Mark was sat on the floor. Trevor noticed Mark had drool coming from his mouth. Medical and deputies arrived then Trevor was moved to a temporary holding cell by Deputy Morris.

The night prior Mark told Trevor that he prayed that his wife would not leave him, that everything goes well, and that he would be home soon. This was Mark's everyday prayer. Mark would cry while saying his prayers or during the night. Trevor would try to get Mark to talk more about his thoughts. Mark just would say he was thinking about his wife or family. Sometimes Mark would just say that he did not want to talk about it. Mark never mentioned having suicidal thoughts to Trevor. Trevor said he and Mark used the towel to block the window for privacy while using the bathroom. If deputies see the window blocked, they open the door to check on them. Trevor said both Deputy Hairston and Deputy Morris are diligent with making their rounds and checking on inmates.

Trevor was not aware that Mark had died until he asked about his status at the end of the interview.

STATUS:

Closed

Det.L.Freres 87457

[12/09/2014 10:25, MCSDPAC1, 561, MCSD]

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 10/13/2015 12:06

Muskegon County Sheriff

OCA: **201408376**

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Case Status: *CLOSED*

Case Mng Status: *NA*

Occurred: *11/18/2014*

Offense: *SUICIDE*

Investigator: *POULIN, MICHAEL J ...*

Date / Time: *02/18/2015 07:33:00, Wednesday*

Supervisor: *POULIN, MICHAEL J ...*

Supervisor Review Date / Time: *02/18/2015 00:00:00, Wednesday*

Contact:

Reference: *Supplement*

Attached both the Autopsy Report and AIT Laboratories Report for Mr. Mark Furguson.

Capt. M. Poulin [02/18/2015 07:37, MCSDMJP1, 555, MCSD]

Investigator Signature

Supervisor Signature